



Don BENTON



Dear Neighbors,

It is my pleasure to share some of the things (listed below) that were accomplished this session and what I have been working on to make life a little better for the residents of Washington state and the Clark County area. These are the major issues I believe are worthy of your review from the literally hundreds of bills that came before the Legislature this past 60-day session. Details of these important bills can be found inside.

My goal is to marry needed government services together with frugality and efficiency. Making sure your tax dollars are spent wisely is always the hallmark of my time spent in Olympia.

Every year I look forward to returning back home to meet one-on-one with residents of the 17th Legislative District. I encourage you to take advantage of the district office and hope you will call or stop by. I need your input to be a better legislator.

Thank you for the honor and privilege of serving as your state senator.

Sincerely,

Senator Don Benton

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Senate standing committees

Financial Services, Insurance
and Housing, Chairman;
Highways and Transportation,
Vice Chairman; Rules;
Economic Development

Included inside:

- ✓ Protecting our children
- ✓ No tax increase budget
- ✓ Our local economy
- ✓ Education
- ✓ Students with special needs
- ✓ Financial stability
- ✓ Protecting patriotism
- ✓ Affordable health insurance
- ✓ Primary election

Protecting our children

Last year I was contacted by a local parent in my district who claimed that she had no recourse against a teacher who she felt was guilty of misconduct against her child. Shortly thereafter, I read the “Coaches who prey” series in The Seattle Times and subsequent articles and editorials about how the education system protects school employees who prey on our students.

Through The Seattle Times Web site, I learned that there had recently been a teacher in the Evergreen School District who was playing the job-hopping game to avoid the consequences of his sordid past of victimizing students. As the father of four, I was thoroughly disgusted. So, I focused the majority of my efforts this session on protecting our state’s schoolchildren and weeding out the handful of bad school employees who are victimizing our schoolchildren and taking advantage of the trust and responsibility we have given them.

Together with a Democrat senator from Seattle, she and I were able to turn things around.

Senate Bill 6171, which I prime-sponsored, does a wide variety of things to protect our schoolchildren.

- It speeds up investigations by requiring the Office of the Superintendent of Public Instruction (OSPI) to conclude within one year investigations regarding certified school employees accused of misconduct. In the past, OSPI has taken more than two years on some cases.
- It concludes investigations by requiring OSPI to conduct and complete investigations regardless of whether the school employee resigns, lets his/her teaching license expire, or moves out of state. School employees have been dodging punishment using these methods, only to pop up in other school districts throughout the state.

- It gives parents options by allowing them and members of the community to file complaints with the state against certified school employees for sexual misconduct and physical assault. Currently only school districts may file such complaints. This is in direct response to my constituent who felt she had no recourse against a teacher she believed was guilty of misconduct against her child.
- Proper reporting requires that investigations into sexual or physical abuse of a student by a school employee must be reported to the proper agency as required by law before OSPI may initiate the investigation.

Senate Bill 5533, which includes language from another bill I prime-sponsored, also aims to protect our schoolchildren.

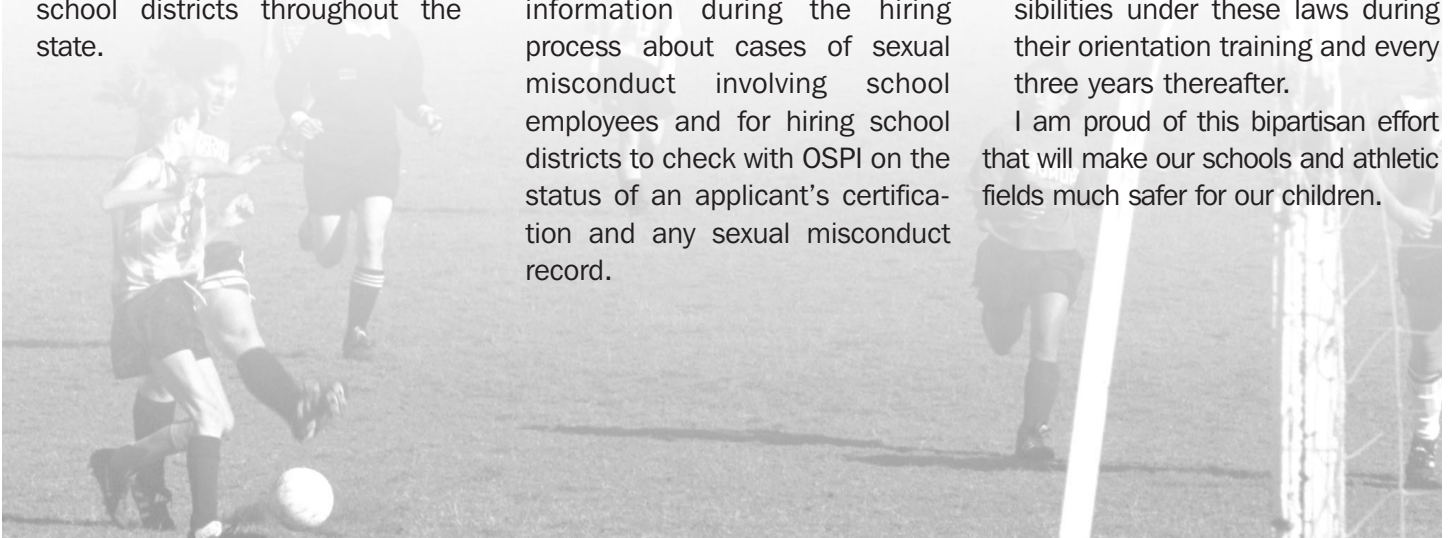
- It requires school districts to share information during the hiring process about cases of sexual misconduct involving school employees and for hiring school districts to check with OSPI on the status of an applicant’s certification and any sexual misconduct record.

- Districts are required to notify parents within 48 hours of receiving a report that their child may have been victimized.
- Districts are prohibited from entering into agreements with employees to seal or expunge misconduct records.
- The language from my bill, Senate Bill 6170, allows public access to personnel records of teachers and coaches found guilty of sexual or physical misconduct against a student and prevents the destruction of those records.

Senate Bill 6220 outlines reporting requirements.

- It requires school employees who suspect a student has been a victim of physical abuse or sexual misconduct to report this to an administrator.
- It requires training of all school personnel regarding their responsibilities under these laws during their orientation training and every three years thereafter.

I am proud of this bipartisan effort that will make our schools and athletic fields much safer for our children.



Education

We entrust our education system to give our children many of the tools they need to become contributing members of society. The challenge to provide the best education for our children is constant, and that is why my efforts to give our kids a world-class education is solid

and never-ending. This session, my Republican colleagues in the Senate and I worked hard to help more students succeed in our public schools.

Charter schools (House Bill 2295)

The new law authorizes a pilot program of up to 45 charter schools over the next six years. Charter schools can be innovative and are not bound by many of the burdensome state regulations that govern public schools. Experience in other states has proven that children who do not do well in a regular classroom setting often will blossom in a creative, alternative academic setting like a charter school.

WASL retakes (House Bill 2195)

Another important step taken this year was authorizing students to retake the 10th grade Washington Assessment of Student Learning (WASL) test up to four times and providing an alternative for students who continually have trouble with taking this kind of test—even though they possess good basic skills and knowledge. It was important to get this process in place now because in 2008, state law requires students to pass the WASL or an alternative in order to graduate from high school.



Don speaks to a group of local students visiting Olympia during the legislative session.

Learning Assistance Program (Senate Bill 5877)

Refocuses the state's Learning Assistance Program (LAP) to encourage the use of assessment data in program design and promote more effective programs for struggling students.

Students with special needs

This session, I worked hard to broaden educational opportunities for students with special needs while protecting their support network. **Senate Bill 6165**, inspired by one of your neighbors in the 17th District, gives authority to the Higher Education Coordinating Board to allow Promise Scholarships to be used by students with special needs for undergraduate coursework at Oregon and Idaho colleges and universities in counties adjacent to the Washington border.

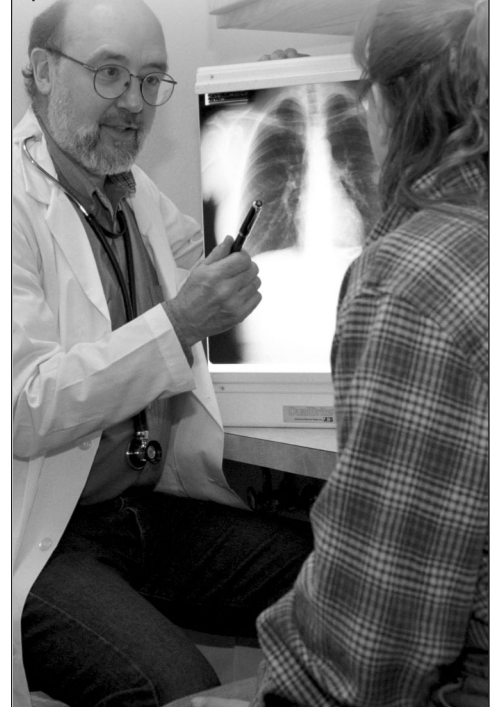
Unfortunately, despite my various attempts to resurrect the bill, the House Higher Education Committee chairwoman refused to allow the bill to go to the governor's desk for his approval. I am committed to working on this issue next year.

Affordable health insurance while preserving choice

Current law requires health insurance for small groups or businesses to offer only a comprehensive health plan, covering certain providers and conditions. This all-or-nothing approach to small group health insurance leaves one product in the market that very few small businesses can afford to offer their employees. It is estimated that 75,000 small business employees in Washington are currently without health insurance.

The purpose of **House Bill 2460** is to allow insurance carriers to offer a scaled-down plan that would be more affordable to small businesses.

Attempts were made, through a Senate amendment, to take away patients rights to visit a chiropractor and other alternative care providers. Understanding the importance of various alternative care options, I fought this amendment so that small business employees can keep their chiropractic care.



Financial stability

As Chairman of the Senate Financial Services, Insurance and Housing Committee, I have the pleasure of working on legislation to improve consumer protection, expand affordable housing possibilities and, create opportunities for the financial well-being of Washington residents like you.

Landlord security deposits (Senate Bill 6402)

This new law puts our local credit unions on more of an equal footing with large banking institutions by allowing landlords to deposit tenant security deposits into a credit union. Currently, landlords are only allowed to put the deposit in banks, savings banks or licensed escrow agents.

Safety of affordable housing (Senate Bill 6649)

This is a continuation of an existing law that would have expired April 1. It further ensures safety of affordable housing while limiting fees the state Department of Labor and Industries may collect for permits and inspections of mobile, manufactured and factory assembled structures. Fee waivers may be given to those who can prove financial hardship.

Financial fraud alert (Senate Bill 5715)

Dubbed the Financial Fraud Alert Act, this bill would have created a statewide “fraud alert network,” allowing financial institutions and merchants to share information to combat financial crime.

Financial fraud and identity theft are crimes that keep on taking. Whether it is a business or individual who is the victim of financial fraud, it is ultimately the consumer or taxpayer who pays.

After passing the Senate unanimously, this bill, which would have given our state and its businesses a much-needed tool to fight and prevent identity theft and financial fraud in Washington, died in the House of Representatives.

Insurance fairness (Senate Bill 6195)

I have heard from many people about how, after making an inquiry about their insurance policy, their insurance rates increased, even without an actual claim. I attempted to stop this unfair and, in my opinion, unethical practice by proposing a bill that prohibits consumer reporting agencies from including mere inquiries about policies on the claims history information that insurers use to determine individual policy rates.

After passing the Senate unanimously, the House killed this important bill. I am continuing my work through the summer and plan to tackle this serious issue again next year.



Protecting patriotism

As the son of a World War II veteran and the brother of two Vietnam veterans, I know how important it is to be able to show your patriotism, whether through singing aloud to the national anthem at a ball game, reciting the pledge of allegiance at school, or flying the U.S. flag in front of your home. My continued support and protection for your patriotic expression is one of the greatest pleasures I have representing you in Olympia.

This session, it was protecting your right to fly the U.S. flag in front of your home, despite what your homeowners' association might say (**House Bill 2934**). Efforts to amend the bill stopped its progress, but I was able to revive the bill, ensuring it was sent to the governor and signed into law.

No tax increase budget

Going into the 2003-05 biennium, Washington state faced a \$2.6 billion shortfall, which means, at the rate of spending at that time, expenditures exceeded revenues by that much. Some extremely difficult sacrifices were made last year to begin to chip away at the hauntingly large shortfall. That sacrifice paid off, and as we look to the 2005-07 biennium, we have cut the shortfall by more than half, to \$1 billion. Although revenues to the state have picked up, the progress we made could have been jeopardized if we did not continue restraint in this year's supplemental operating budget. For every additional dollar spent this year, a bow wave of three dollars would have impacted the 2005-07 budget.

Coming into the 2004 session, we knew that we had to craft a supplemental operating budget for the remainder of the 2003-05 biennium that took care of unexpected costs, while continuing to chip away at the shortfall. The budget we approved meets the challenges before us without putting us in a dangerous financial situation in 2005-07 and without jeopardizing services for the most vulnerable in our society. The budget:

- contains no new taxes and is the slowest-growing budget in state history;
- leaves nearly \$300 million in the state's emergency reserve account to handle unforeseen emergencies;

- renews important tax incentives to keep Washington's high-tech and biotech industries here and create new jobs in these industries;
- funds roughly 3,000 new community college and university enrollments so students can get the education they need to compete in the new economy; and
- provides valuable funding to care for our state's most vulnerable citizens in nursing homes, on children's Medicaid, and with developmental disabilities, as well as providing pay increases to those who provide services to our elderly and disabled residents receiving in-home health care.

Our local economy

High-tech jobs (Senate Bill 2546)

As a member of the Senate Economic Development Committee, the creation and retention of jobs is a priority for me. This session, I worked to provide high-paying job prospects in Clark County by giving high-tech companies an incentive, through carefully crafted tax breaks, to bring more jobs here. These efforts will help our children find good-paying jobs here in Washington without the need to move out of state.

The 1¢ sales tax increase

This session the governor proposed a penny sales tax increase, which would have generated an estimated \$1 billion to improve education from preschool through college.

*"I BELIEVE there is
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I believe there is nothing more important than the education of our youth, and according to our state constitution, it is the paramount duty of our state and is vital for the long-term economic development of our communities.

At the same time, however, I am convinced we have a spending

problem—not a revenue problem in education. I think it unwise to ask citizens to pay higher taxes, especially in this time of economic downturn and government deficits. In addition, I firmly believe that increasing the sales tax, especially in border communities like those in Clark County, would sabotage our ultimate goal of providing a world-class education for our children.

Businesses in border communities already suffer when consumers cross the border to purchase tax-free items in Oregon. Adding a penny to each dollar spent would only worsen that situation, hurting Clark County businesses and the local economy, and ultimately reducing tax revenues used by the state to pay for education. Fortunately, this proposal did not go very far and our border communities are safe for the time-being from this threat to our local economies.



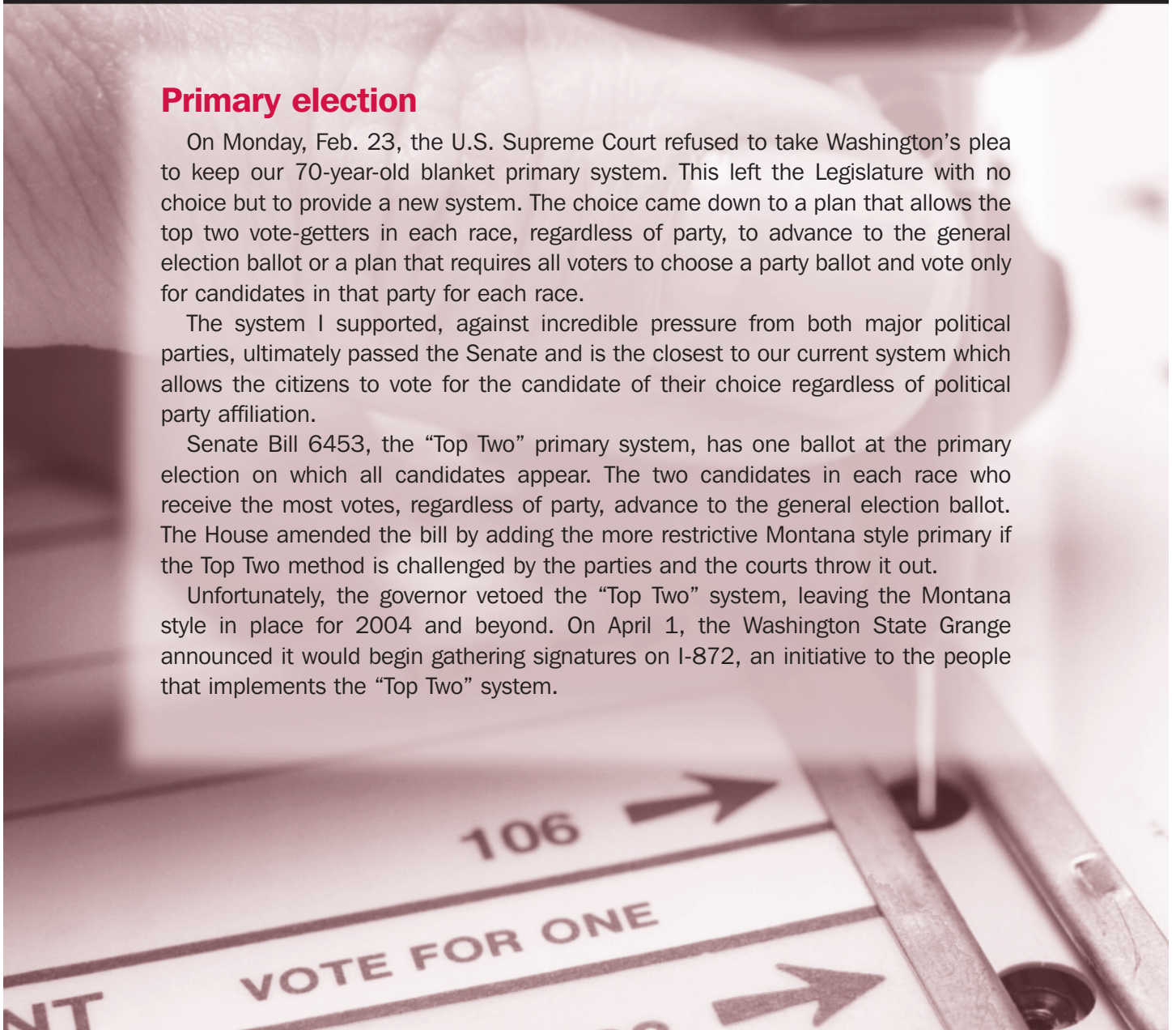
Primary election

On Monday, Feb. 23, the U.S. Supreme Court refused to take Washington's plea to keep our 70-year-old blanket primary system. This left the Legislature with no choice but to provide a new system. The choice came down to a plan that allows the top two vote-getters in each race, regardless of party, to advance to the general election ballot or a plan that requires all voters to choose a party ballot and vote only for candidates in that party for each race.

The system I supported, against incredible pressure from both major political parties, ultimately passed the Senate and is the closest to our current system which allows the citizens to vote for the candidate of their choice regardless of political party affiliation.

Senate Bill 6453, the "Top Two" primary system, has one ballot at the primary election on which all candidates appear. The two candidates in each race who receive the most votes, regardless of party, advance to the general election ballot. The House amended the bill by adding the more restrictive Montana style primary if the Top Two method is challenged by the parties and the courts throw it out.

Unfortunately, the governor vetoed the "Top Two" system, leaving the Montana style in place for 2004 and beyond. On April 1, the Washington State Grange announced it would begin gathering signatures on I-872, an initiative to the people that implements the "Top Two" system.



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